

AGENDA
BOROUGH OF ALLENDALE
MAYOR AND COUNCIL
OCTOBER 25, 2018
8:00 P.M.

A Regular meeting of the Mayor and Council of the Borough of Allendale, will be held in the Municipal Building, 500 West Crescent Avenue, Allendale, NJ on October 25, 2018.

- I. CALL TO ORDER
 - A. Open Public Meetings Act Announcement
 - B. Salute to Flag
- II. ROLL CALL
- III. APPROVAL OF MINUTES
 - October 11, 2018 Work Session
 - October 11, 2018 Regular Session
 - October 11, 2018 Closed Executive Session
- IV. PUBLIC COMMENT

Audience members wishing to speak will have a five (5) minute time limit to address the governing body. Large groups are asked to have a spokesperson represent them.
- V. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

The following ordinances published herewith were first read by title only on October 11, 2018 and posted on the bulletin board of the lobby of the municipal building.

ORDINANCE 18-22 – AN ORDINANCE OF THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY AMENDING CHAPTER 81 "AFFORDABLE HOUSING" TO THE CODE OF THE BOROUGH OF ALLENDALE

- VI. RESOLUTIONS
 - A. **18-243**/Authorize Letter of Intent – 220 & 230 West Crescent Avenue
- VII. CONSENT AGENDA

Matters listed below are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

 - A. **18-244**/Approval of Bill List
 - B. **18-245**/Approve Tax Appeal Settlement – Velli v. Borough of Allendale
 - C. **18-246**/Establish Halloween Curfew
 - D. **18-247**/Waive Street Opening Permit & Performance Guarantee Fees – Eastern Christian Children’s Retreat
- VIII. UNFINISHED BUSINESS
- IX. NEW BUSINESS
 - A. BAN – Determination and Award Certificate
- X. COMMITTEE REPORTS AND COMMENTS
- XI. STAFF REPORTS

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MAYOR AND COUNCIL
OCTOBER 25, 2018
8:00 P.M.

XII. PUBLIC COMMENTS

Audience members wishing to speak will have a five (5) minute time limit to address the governing body. Large groups are asked to have a spokesperson represent them.

XIII. ADJOURNMENT

Bulletin Board
Borough Website

****AGENDA & AGENDA MATERIALS SUBJECT TO CHANGE****

**BOROUGH OF ALLENDALE
COUNTY OF BERGEN**

ORDINANCE NO. 18-22

AN ORDINANCE OF THE BOROUGH OF ALLENDALE, COUNTY OF BERGEN AND STATE OF NEW JERSEY AMENDING CHAPTER 81 "AFFORDABLE HOUSING" TO THE CODE OF THE BOROUGH OF ALLENDALE

WHEREAS, the Mayor and Council of the Borough of Allendale, Bergen County, adopted on September 27, 2018, Ordinance No. 18-13 which repealed outdated affordable housing requirements in the Borough's Code at Article II, "Development Fees", of Chapter 120, "Fees", and Articles XXVIII, XXXI, and XXXII of Chapter 270, "Zoning", which pertained to affordable housing, and created Chapter 81, "Affordable Housing", which codifies the rules and regulations of the Council on Affordable Housing, as modified by the September 15, 2017 Settlement Agreement with Fair Share Housing Center, in the Borough Code; and

WHEREAS, the Mayor and Council wish to revise the content of that Ordinance and Chapter to better serve the Borough in implementing its affordable housing plan.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Council of the Borough of Allendale hereby amend Chapter 81, "Affordable Housing," as follows. All amendments shall be in bold text. Text to be deleted shall be indicated with ~~striketroughs~~, and new text shall be indicated with underlines.

Section I. Section 81-4.c.1 of Article I, "General Program Purposes, Procedures" Amended.
Footnote 1 of this section shall also be struck.

...

1. The base dollar amount of the payment in-lieu of constructing an affordable unit at the time of adoption of this Ordinance shall be ~~\$180,267¹~~ **pursuant to COAH's regulations and/or the amount in a development proforma on file with the Borough Clerk.** This amount shall be adjusted periodically by the Borough to reflect the most current and accurate market conditions or better cover the cost to the Borough to subsidize affordable housing construction. The payment shall be imposed as a condition of development approval by the Joint Land Use Board.
 - (a) During the development approval process, a developer may demonstrate to the Governing Body that the actual construction cost of an affordable unit less estimated capitalized revenue at the development in question is lower than the imposed payment in-lieu in §81-4.C.1. At its discretion, the Governing Body may impose a ~~lower~~ payment in-lieu amount equal or proximate to the amount estimated by the developer.

Section II. Section 81-21, "Conversions", in Article II, "Affordable Unit Controls and

Requirements, Amended.

Each **affordable** housing unit created through the conversion of a non-residential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

Section III. Section §81-34., “Affordable Housing Trust Fund”, in Article IV, “Development Fees” Amended.

- A. ~~There shall be maintained. There is hereby created~~ a separate interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.

...

Section IV. Section 81-37, “Ongoing Collection of Fees” in Article IV, “Development Fees” Amended.

- A. The ability for Allendale to impose, collect and expend development fees shall expire with its Court-issued Judgment of Compliance and Repose unless Allendale has filed an adopted Housing Element and Fair Share Plan with the Court or other appropriate jurisdiction, has filed a Declaratory Judgment Action, and has received the Court’s approval of its development fee ordinance. If Allendale fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). Allendale shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment Compliance and Repose, nor shall Allendale retroactively impose a development fee on such a development. Allendale shall not expend development fees after the expiration of its Judgment **of** Compliance and Repose.

Section V. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section VI. Severability. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section VII. Effective Date. This ordinance shall take effect upon its passage and publication, as

required by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Allendale, in the County of Bergen, State of New Jersey, held on October 11, 2018. It will be further considered for final passage, after public hearing thereon, at a meeting of the Borough Council to be held in the meeting room of the municipal building, 500 West Crescent Avenue, in the Borough of Allendale on October 25, 2018 at 8:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

Anne Dodd, R.M.C. Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 10/25/2018

RESOLUTION# 18-243

Council	Motion	Second	Yes	No	Abstain	Absent
Bernstein						
Homan						
O'Connell						
Sasso						
Strauch						
Wilczynski						
Mayor White	---	---				

Borough of Allendale
Approval of Letter of Intent Between Borough of Allendale
and Hampshire Venture Partners, LLC

Whereas, the Borough of Allendale (“Allendale”) and Hampshire Venture Partners, LLC (“Hampshire”) have engaged in ongoing negotiations to discuss and agree upon the terms and conditions of a Letter of Intent for Hampshire’s purchase from Allendale of certain real property known as 220 West Crescent Avenue and 230 West Crescent Avenue, Allendale, New Jersey; and

Whereas, Allendale and Hampshire have agreed upon the terms of the purchase of said property in a Letter of Intent dated October 10, 2018 (“LOI”), the terms and conditions of which LOI are fully incorporated herein by reference; and

Whereas, Allendale wishes to memorialize its approval of the terms and conditions of the LOI.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale that the LOI be and hereby is **APPROVED**:

Be It Further Resolved, that the Mayor and the Borough Attorney are authorized to take all appropriate actions so as to implement this Resolution, including but not limited to, the execution of the LOI by the Mayor.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 25, 2018.

Anne Dodd, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 10/25/2018

RESOLUTION# 18-244

Council	Motion	Second	Yes	No	Abstain	Absent
Bernstein						
Homan						
O'Connell						
Sasso						
Strauch						
Wilczynski						
Mayor White	---	---				

List of Bills

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby approves the Bill List dated October 25, 2018 in the amounts of:

Current Fund	\$3,091,235.86
Payroll Account	\$398,666.26
General Capital	\$307,451.48
Animal Fund	\$4.80
Grant Fund	\$120.00
COAH/Housing Trust	\$1,648.44
Improvement & Beautification	\$600.00
Unemployment Fund	\$0.00
Trust Fund	\$5,183.22
Water Operating	\$103,666.43
Water Capital	\$350,000.00
Total	\$4,258,576.49

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 25, 2018.

Anne Dodd, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 10/25/2018

RESOLUTION# 18-245

Council	Motion	Second	Yes	No	Abstain	Absent
Bernstein						
Homan						
O'Connell						
Sasso						
Strauch						
Wilczynski						
Mayor White	---	---				

Joseph & Laura Velli v. Allendale Tax Appeal Settlement

WHEREAS, the tax payers, Joseph & Laura Velli, appealed the assessment levied on Block 801, Lot 1.07 for the tax year 2018; and

WHEREAS, the subject property is located at 16 Meadow Lane; and

WHEREAS, the Plaintiff was represented by counsel in this matter; and

WHEREAS, the Assessor has agreed to compromise the appeal as follows: the 2018 Assessed Value will be reduced from \$1,364,200 to \$1,275,000.

WHEREAS, there are sufficient funds available in the reserve for tax appeals account to satisfy the 2018 tax refund; and

WHEREAS, the assessor is of the opinion that the valuation of the subject property is consistent with true value of the property.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that:

The proposed settlement for the tax appeal encaptioned Joseph & Laura Velli v. Borough of Allendale as hereinbefore set forth is approved and the Borough Tax Attorney or a member of his firm is authorized to execute all documents necessary to effectuate its terms.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 25, 2018.

Anne Dodd, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 10/25/2018

RESOLUTION# 18-246

Council	Motion	Second	Yes	No	Abstain	Absent
Bernstein						
Homan						
O'Connell						
Sasso						
Strauch						
Wilczynski						
Mayor White	---	---				

Halloween Curfew

Whereas, the Police Chief has requested a Halloween Curfew for children under the age of eighteen for the purpose of maintaining order beginning October 30th and extending through October 31st, 2018 to be put into effect starting at 8:00 p.m. until sunrise.

Whereas, the Governing Body believes that this curfew is in the best interest of the Borough.

Now, Therefore, Be It Resolved that a curfew shall be in place from October 30th through October 31st, 2018.

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 25, 2018.

Anne Dodd, RMC
Municipal Clerk

**RESOLUTION
BOROUGH OF ALLENDALE
BERGEN COUNTY, NJ**

DATE: 10/25/2018

RESOLUTION# 18-247

Council	Motion	Second	Yes	No	Abstain	Absent
Bernstein						
Homan						
O'Connell						
Sasso						
Strauch						
Wilczynski						
Mayor White						

Waiver of Permit Fees
for Eastern Christian Children's Retreat

WHEREAS, Eastern Christian Children's Retreat has applied for a building permit to construct housing for adults with developmental disabilities, specifically a five (5) bedroom group home at its property located at Block 1005, Lot 4 on the Tax Map of the Borough of Allendale; and

WHEREAS, due to the status and use of the property as special needs housing, the Land Use Committee has recommended that the fees for a street opening permit and performance guarantee be waived; and

WHEREAS, the Governing Body has reviewed the recommendation and concurs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that street opening permit fees and performance guarantee relating to the proposed construction at the Eastern Christian Children's Retreat site are hereby waived; and

I hereby certify the above to be a true copy of a Resolution adopted by the Governing Body of the Borough of Allendale on October 25, 2018.

Anne Dodd, RMC
Municipal Clerk